

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

STEVEN MENGEL, et al

Plaintiffs,

v.

CITY OF SAN LEANDRO et al

Defendants.

Case No. 3:13-cv-02542-WHO

**STIPULATION EXTENDING DATE FOR CMC
AND CHANGING HEARING DATE ON
MOTION TO DISMISS AND BRIEFING
SCHEDULE**

Honorable William H. Orrick

Plaintiffs filed their Complaint on June 18, 2013 contending they were arrested without probable cause. The defendant City of San Leandro filed a Motion to Dismiss on July 23, 2013 with a hearing date of September 4, 2013. The Court then scheduled the initial Case Management Conference for September 4, 2013 with a joint case management conference statement to be filed August 28, 2013.

The parties have immediately begun meeting and conferring on the issues raised in the Complaint and may attempt an early resolution of the case given the cooperative exchange of case authority and facts of the case that has already taken place. Attorney for the defendant City of San Leandro will be out of the country with his family from August 16, 2013 until Monday September 2, 2013. To facilitate the ongoing negotiations between the parties, as well as to comply with the current deadlines, more time is necessary. The parties agree a continuance of the current briefing schedule, hearing date on the motion to dismiss and preparation of the joint case management conference statement and case management conference will facilitate a possible early resolution of the case and accommodate Mr. Fox's travel schedule. Based on this good cause the parties therefore respectfully stipulate as follows:

The Case Management Conference and hearing on the Motion to Dismiss be continued from Wednesday September 4 to Wednesday October 16th, 2013.

A joint case management conference statement to be filed on or before Wednesday October 9, 2013. At the case management conference on October 16, 2013 the date for Rule 26 disclosures of parties and witnesses will be scheduled by the Court along with all other pre-trial and trial dates and the ADR process the parties will attend.

1 Plaintiffs' opposition to the pending motion to dismiss, if necessary, will be filed on or before
2 September 25, 2013. Reply brief, if necessary, will be filed October 2, 2013.

3 SO STIPULATED:

4
5 Dated: August 6, 2013

Bruce W. Nickerson Attorney at Law

6
7 By: /s/ Bruce Nickerson
8 Bruce W. Nickerson Esq.
9 Attorneys for Plaintiffs

10 Dated: August 6, 2013

BERTRAND, FOX & ELLIOT

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12 By: /s/ Gregory M. Fox
13 Gregory M. Fox
14 Attorneys for Defendant
CITY OF SAN LEANDRO

15 **ORDER**

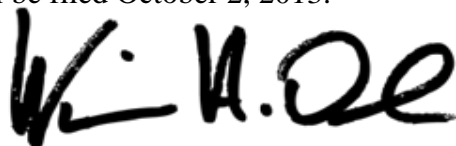
16 Good cause appearing the Stipulation of the parties is SO ORDERED.

17 The Case Management Conference and hearing on the Motion to Dismiss is continued from
18 Wednesday September 4 to Wednesday October 16th, 2013.

19 A joint case management conference statement shall be filed on or before Wednesday October 9,
20 2013. At the case management conference on October 16, 2013 the date for Rule 26 disclosures of
21 parties and witnesses will be scheduled by the Court along with all other pre-trial and trial dates and the
22 ADR process the parties will attend.

23 Plaintiffs' opposition to the pending motion to dismiss, if necessary, will be filed on or before
24 September 25, 2013. Reply brief, if necessary, will be filed October 2, 2013.

25
26 Dated: August 9, 2013



27 Honorable William H. Orrick
28 United States District Court Judge